

Institute for Legislative and Governmental Affairs

Fall Term 2003



The Legislative Institute hosted three major events during the fall of 2003, in addition to a series of Continuing Legal Education seminars. The three principal programs included the first mayoral debate for the City of Springfield, the Eighth Annual Supreme Court Review Conference, and a legislative hearing of the Special House Subcommittee on Court Funding of the Massachusetts Legislature. The programs enjoyed widespread support composed of audiences that included students, faculty, alumni/ae, members of the bench and bar, civic leaders, and the general public.

State Senator Linda Melconian makes a point to Springfield Attorney Charles Ryan. Ryan won the November 2003 election.

Mayoral Debate

The first mayoral debate between Attorney Charles Ryan and Senator Linda Melconian, D-Agawam, MA, occurred on October 1, 2003. Televised live by WGBY (PBS station), members of the press, representing the print and broadcast media, as well as Western New England Professor William Mandel, served as panelists putting questions to the candidates. Members of the student body also asked the candidates questions the public submitted, which produced lively and informative exchanges.



Rep. Gale D. Candaras '83

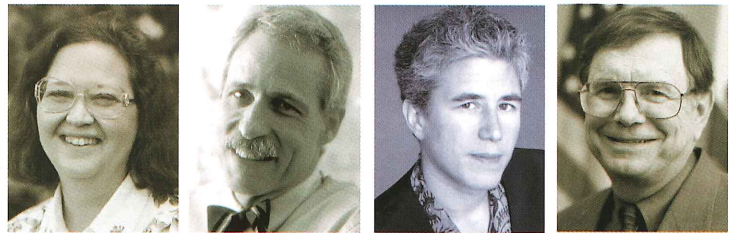
Special House Subcommittee on Court Funding

Last fall the Institute also hosted a legislative hearing of the Special House Subcommittee on Court Funding. In July 2003, Speaker of the House Thomas M. Finneran appointed Representative Gale D. Candaras '83 (12th Hampden District), Division Leader, as the chair of the Subcommittee to examine: (1) the fiscal practices and policies of the judiciary to allocate, manage, and spend appropriations; (2) the process to develop, create, and administer the budget for the judiciary; and (3) the practice and policies for the implementation of technology, including planning, usage, and spending.

The Subcommittee is expected to present recommendations on court funding to the full House during the debate over the Fiscal Year 2005 budget. The Subcommittee members are Rep. Candaras (chair); House chair of the Joint Committee on the Judiciary Rep. Eugene O'Flaherty; House Majority Leader Rep. Salvatore DiMasi; and Reps. James Leary, Colleen Garry, Joseph Driscoll, John Quinn, Harold Naughton, David Torrisi, Scott Brown, Donald Humason Jr., and Thomas George.

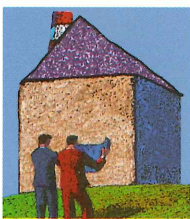
Supreme Court Review Conference

On Saturday, October 18, the Institute sponsored the Eighth Annual Supreme Court Review Conference. Professors Leora Harpaz, Arthur Leavens, Jennifer Levi, and Art Wolf (moderator) discussed the principal cases the Court decided during its October 2002 term. The presentations focused on decisions involving criminal law, First Amendment, sexual orientation, affirmative action, immigration, and federalism. At the conclusion of the program, the four professors explored the recent trends in the Supreme Court.



(l-r) Professors Harpaz, Leavens, Levi, and Wolf

Continuing Legal Education Programs



The Legislative Institute, The Development and Law Alumni Relations Office, and the Massachusetts Bar Association, together with the four western county bars, sponsored four continuing legal education programs with special rates for Western New England College School of Law graduates and students. The first seminar, "How to Handle a Residential Real Estate Closing," presented a comprehensive, step-by-step discussion of the law and practice of conducting a residential real estate closing.

Our expert panel guided the participants from the offer/acceptance and "Purchase and Sale" agreement through the actual closing, offering practical advice at each step. We were privileged to have a distinguished panel composed of Attorney Dennis P. Powers '82, program chair and past president of the Hampden County Bar, Attorney Daniel M. Rothschild, and Dean Arthur R. Gaudio.



On November 4, 2003, we hosted the "Second Annual Western Massachusetts Recent Developments in Bankruptcy Law." Our expert panel of bankruptcy judges and practitioners provided an update on recent developments and hot issues in the bankruptcy field, including automatic stays, non-dischargeability, disqualification through debtor's conduct, dischargeability of divorce property settlements, and electronic filing in the bankruptcy court. Our distinguished faculty included: Attorney Jonathan R. Goldsmith, program chair; Hon. Joan N. Feeney,

chief bankruptcy judge, U.S. Bankruptcy Court; Hon. Henry J. Boroff, U.S. Bankruptcy Court (Worcester); Attorney Lisa Van Gordon d'Errico; Attorney Jack E. Houghton Jr.; Attorney Jerry P. Katz; and Attorney Michael B. Katz.



The third CLE program, "Elder Law Basics," examined the basic rules of Medicaid eligibility, strategies to preserve assets, ways to protect the primary residence from Medicaid liens, and alternative long-term care and housing options. Our distinguished faculty was lead by Attorney Hyman G. Darling '76, the program chair. Attorney Carol C. Klyman '96 of Springfield and Attorney Michael J. Williamson from Northampton joined Chairman Darling on the panel.

The fourth and final CLE program for the fall addressed consumer litigation under **Chapter 93A and Chapter 176D of the Massachusetts General Laws**. The program was designed to teach the latest techniques for litigating civil actions arising under these two statutory provisions. Designed for both plaintiff and defense attorneys, our panel of experts provided an overview of the most recent developments in the law and offered practice tips and pointers to help develop litigation skills in the context of 93A and 176D. Our exemplary panel included Attorney Mark J. Albano, program chair; the Honorable Kenneth P. Neiman, magistrate judge, U.S. District Court, Springfield; Attorney Paul S. Weinberg; and Attorney David W. White-Lief. ♦